

# The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

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No. 28] NEW DELHI, THURSDAY, MAY 13, 1954

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## COUNCIL OF STATES

The following Bill was introduced in the Council of States on the 13th May, 1954:—

BILL No. XII OF 1954.

*A Bill further to amend the Dentists Act, 1948.*

BE it enacted by Parliament in the Fifth Year of our Republic as follows:—

**1. Short title.**—This Act may be called the Dentists (Amendment) Act, 1954.

**2. Amendment of section 1, Act XVI of 1948.**—In section 1 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), in sub-section (2), for the words and letter “Part B States”, the words “the State of Jammu and Kashmir” shall be substituted.

**3. Amendment of section 2, Act XVI of 1948.**—In section 2 of the principal Act,—

(i) in clause (f), after the words, figures and brackets “the Indian Medical Council Act, 1933 (XXVII of 1933)”, the words “or specified in any other law for the time being in force in any State,” shall be inserted;

(ii) for clause (m), the following clause shall be substituted, namely:—

‘(m) references to “State” and “States” shall be construed as excluding any reference to the State of Jammu and Kashmir or to the territories for the time being comprised within the said State;’.

**4. Amendment of section 3, Act XVI of 1948.**—In section 3 of the principal Act,—

(i) for clauses (c), (d) and (e), the following clauses shall be substituted, namely:—

“(c) not more than four members elected from among themselves, by—

(a) Principals and Vice-Principals of dental colleges in the States training students for recognised dental qualifications included in Part I of the Schedule;

(b) Professors of dental surgery of medical colleges in the States training students for the degree of Bachelor of Dental Surgery:

Provided that not more than one member shall be elected from the same dental college or the same medical college referred to in sub-clause (a) or sub-clause (b);”

“(d) one member from each University established by law in the States which grants a recognised dental qualification, to be elected by the members of the Senate of the University, or in case the University has no Senate, by the members of the court, from amongst the members of the Dental Faculty of the University or in case the University has no Dental Faculty, from amongst the members of the Medical Faculty thereof;”

“(e) one member to represent each Part A State and Part B State other than the State of Jammu and Kashmir, nominated by the Government of each such State from among persons registered either in a medical register or a dental register of the State;”

(ii) after clause (f), the following clause shall be inserted, namely:—

“(g) the Director General of Health Services, *ex-officio*;”.

**5. Amendment of section 6, Act XVI of 1948.**—In section 6 of the principal Act, in sub-section (3),—

(i) for the words “if he ceases to hold his appointment as the head of a college”, the following words shall be substituted, namely:—

“if he ceases to hold his appointment as the Principal or Vice-Principal of a dental college, or as a professor of dental surgery of a medical college”;

(ii) for the words “the Medical Faculty”, the words “the Dental or Medical Faculty” shall be substituted.

**6. Amendment of section 15, Act XVI of 1948.**—In section 15 of the principal Act, in sub-section (1), for the words “may appoint”, the words “may subject to regulations, if any, made by the Council appoint” shall be substituted.

**4. Amendment of section 21, Act XVI of 1948.**—In section 21 of the principal Act,—

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) the heads of dental colleges, if any, in the State which train students for any of the recognised dental qualifications included in Part I of the Schedule, *ex-officio*,”

(ii) after clause (e), the following proviso shall be added at the end, namely:—

“Provided that in the State of Saurashtra, the State Dental Council constituted under Saurashtra Ordinance XXV of 1948 as amended by Saurashtra Ordinance XL of 1949, shall be deemed to be the State Council constituted under this Act.”

**8. Amendment of section 23, Act XVI of 1948.**—In section 23 of the principal Act, for clause (c) the following clause shall be substituted, namely:—

“(c) the heads of dental colleges, if any, in all the participating States which train students for any of the recognised dental qualifications included in Part I of the Schedule, *ex-officio*,”

**9. Amendment of section 33, Act XVI of 1948.**—In section 33 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (b), for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(b) for the last proviso the following proviso shall be substituted, namely:—

“Provided further that for the purpose of the first preparation of the register of dentists under this Act, a person shall be entitled to have his name entered in the appropriate part of the register without payment of any registration fee,—

(a) in the State of Saurashtra, if he is registered on the register of dental practitioners maintained under Saurashtra Ordinance No. XXV of 1948, as amended by Saurashtra Ordinance No. XL of 1949; or

(b) in the State of Travancore-Cochin, if he is registered on the register of dental practitioners maintained under the Travancore Medical Practitioners Act, 1119.”

(ii) in sub-section (2),—

(a) for the words “five years” occurring for the first and the last time, the words “ten years” shall be substituted;

(b) for the words "the date of commencement of this Act", the words, brackets and figures "the date appointed under sub-section (2) of section 32" shall be substituted.

**10. Amendment of section 34, Act XVI of 1948.**—Section 34 of the principal Act shall be renumbered as sub-section (1) of section 34 and—

(i) in sub-section (1) as so renumbered—

(a) in clause (ii),—

(i) for the words "two years before the commencement of this Act", the words, brackets and figures "two years before the date appointed under sub-section (2) of section 32" shall be substituted;

(ii) for the words "five years after the commencement of this Act", the words "ten years after the said date" shall be substituted;

(b) in the second proviso for the words "five years", the words and letter "ten years after the date of his registration in Part B" shall be substituted;

(ii) after sub-section (1) as so renumbered the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1),—

(a) a State Dental Council may during the period of two years immediately after the commencement of the Dentists (Amendment) Act, 1954 permit for sufficient reasons the registration in the State register of any displaced person who does not hold a recognised dental qualification but has been actually practising the profession of dentistry as his principal means of livelihood from a date prior to the 29th day of March, 1948;

*Explanation.*—In this clause "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of such disturbances in any area now forming part of Pakistan has, after the 1st day of March, 1947, left or been displaced from, his place of residence in such area and who has since then been residing in India;

(b) a person other than a citizen of India, holding a reputable dental qualification and employed for teaching or research in a dental institution situated in any of the States may be permitted, irrespective of any considerations of reciprocity, temporary registration in the State register of dentists for the period of his employment or for a period of five years, whichever is shorter:

Provided that he does not practise the profession of dentistry for personal gain and his application for registration is approved by the President of the Council."

**11. Amendment of section 40, Act XVI of 1948.**—In section 40 of the principal Act, after the word “recognised”, the word “dental” shall be inserted.

**12. Amendment of section 41, Act XVI of 1948.**—In section 41 of the principal Act,—

(i) in sub-section (1) in clause (ii), the word ‘or’ shall be added at the end and after the clauses so amended, the following clause shall be inserted, namely:—

“(iii) that he having been permitted temporary registration under clause (b) of sub-section (2) of section 34 has, on such registration, been found to practise the profession of dentistry for personal gain.”

(ii) after sub-section (5) the following sub-section shall be inserted, namely:—

“(6) A person whose name has been removed from the State register of dentists under this section or under sub-section (2) of section 39 shall not be entitled to have his name registered in the register of dentists in any other State register of dentists except with the approval of the State Council from whose register his name has been removed.”

**13. Amendment of section 46, Act XVI of 1948.**—In section 46 of the principal Act, in sub-section (3),—

(i) for the words “the commencement of this Act”, the words brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(ii) for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted;

(iii) the words “in the State” shall be omitted;

(iv) for the words “at the commencement of this Act”, in the proviso, the words “immediately before the said date” shall be substituted.

**14. Amendment of section 48, Act XVI of 1948.**—In section 48 of the principal Act, in clause (c) the word ‘or’ shall be added at the end and after the clauses so amended, the following clause shall be inserted, namely:—

“(d) not possessing a recognised dental qualification, uses a degree or a diploma or an abbreviation indicating or implying a dental qualification,”.

**15. Amendment of section 49, Act XVI of 1948.**—In section 49 of the principal Act, in sub-section (1), for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted.

**16. Amendment of section 51, Act XVI of 1948.**—In section 51 of the principal Act, in the proviso to sub-section (2), for the words “at the date of the commencement of this Act”, the words, brackets and figures “immediately before the date appointed under sub-section (2) of section 32” shall be substituted.

**17. Amendment of the Schedule, Act XVI of 1948.**—In the Schedule to the principal Act,—

(i) for the words, figures and brackets, (*See section 10*), the words, figures and brackets “(*See sections 10, 21 and 23*)” shall be substituted;

(ii) in Part I,—

(a) in entry No. (1) for the figures, letters and words “the 1st day of January, 1940” the figures, letters and words “the 1st day of May, 1941” shall be substituted;

(b) in entry No. (2) for the figures, letters and words “the 31st day of December, 1939” the figures, letters and words “the 30th day of April, 1941” shall be substituted;

(c) after entry No. (5) the following entry shall be inserted, namely:—

“(6) The East Punjab University, if granted during the year 1948”

(ii) in Part II, for entries Nos. (1) and (2) the following shall be substituted, namely:—

“(1) The Punjab University, Lahore, if granted before the 15th day of August, 1947.

(2) The Punjab State Medical Faculty, Lahore, if granted before the 15th day of August, 1947”.

## STATEMENT OF OBJECTS AND REASONS

The Dentists Act, 1948 (XVI of 1948) came into force with effect from the 29th March, 1948, in all the then Provinces of India. It has also been extended to the newly created Part C States *e.g.*, Himachal Pradesh, Vindhya Pradesh, and Bhopal. In consultation with the Government of Part B States, it is now proposed to extend it to all Part B states except Jammu and Kashmir.

2. Under the existing Act Indian citizens who did not possess any recognised dental qualifications, but had been engaged in practice as dentists as their principal means of livelihood for a period of not less than 5 years prior to the commencement of the Act, had been allowed registration under the Act at the time of first preparation of registers in States. Certain displaced persons who had migrated to India from Pakistan after the first preparation of the Registers and who did not possess any recognised dental qualifications but who had been engaged in the profession of dentistry for their livelihood in Pakistan claimed similar facilities for registration as were given to

Indian citizens. Since it is not possible to accede to their request without amending the Act, it is proposed to amend the Act for the purpose.

3. Under section 33(2) temporary registration was allowed for a period of 5 years if one had been engaged in practice as a dentist as his principal means of livelihood for a period of not less than 2 years during the five years prior to the commencement of the Act, but permanent registration to such persons is admissible only if they could pass within a period of 5 years after the commencement of the Act an examination which satisfies the requirements of the Council. Since enough training facilities for the dentists do not exist in the country many dentists who were temporarily registered under the Act could not qualify for permanent registration. In order to enable them to pass an examination, it is proposed to give them more time to pass the examination. For this purpose the five year period is intended to be extended to 10 years.

4. Under section 3(c) of the existing Act, 4 seats are available on the Dental Council of India to be filled by election from among themselves by the heads of dental colleges in States which grant recognised dental qualification. Since there is only one dental college in India which grants dental qualifications the other 3 seats meant for the heads of Dental Colleges on the Dental Council of India have remained vacant. It is now proposed to fill the vacancies by throwing open the election to heads of dental colleges which train students for recognised dental qualifications

5. Under the existing Act a foreign national is not entitled to registration even if he possesses a recognised dental qualification unless by the law and practice of the State or country to which such person belongs, persons of Indian origin holding dental qualifications registrable in that State or country are permitted to enter and practise the profession of dentistry in such a State or country. It is therefore, proposed on grounds of expediency and propriety to permit, irrespective of considerations of reciprocity, foreigners holding reputable dental qualifications who are employed for teaching or research in dental institutions in the country, to have temporary registration for the period of their employment or for a period of five years, whichever is shorter, provided that such foreigners do not practise dentistry for personal gain.

This opportunity is also being taken to make some other minor and consequential amendments in the Act which have been found necessary during the past 6 years since its enactment.

AMRIT KAUR.

NEW DELHI;

Dated the 27th April, 1954.

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#### FINANCIAL MEMORANDUM

The extension of the Act to Part B States would involve expenditure from the Consolidated Fund of India and from the revenues of the Governments of Part B States to which the Act is proposed to be extended. The additional expenditure that is likely to be incurred from the Consolidated Fund of India is indicated in the following paragraphs.

2. After the Dentists Act, 1948, is extended to Part B States, these States will become entitled to send two representatives each (one elected and one nominated) as members of the Dental Council of India. Assuming that the State Governments will agree to bear the expenditure on the Travelling Allowance and Daily Allowance of the 7 members to be nominated by them under clause (e) of section 3 of the Act, as is being done by the Governments of Part A States except Bihar, the estimated expenditure on the Travelling Allowance of the remaining 7 elected members from the Part B States would amount to Rs. 2,740 per annum as detailed below:—

	Rs.	Rs.
Mysore	670x2	= 1,340/-
Travancore-Cochin		
Rajasthan, Pepsu and Madhya Bharat.	200x3	= 600/-
Hyderabad		
Saurashtra	300x1	= 300/-
	500x1	= 500/-
Total		= 2,740/- per annum.

This expenditure is on the assumption that the Dental Council of India will meet once in a year at New Delhi.

3. In addition to the expenditure on the Travelling Allowance and Daily Allowance, the Central Government will be responsible for meeting the expenditure on the election of one member from each Part B State under clause (a) of section 3 of the Dentists Act, 1948. In view of the fact that the amount of expenditure on such elections in the States will depend on the size of the electoral roll and other local conditions in each State and must vary from State to State, any estimate of such expenditure can only be tentative. In connection with a recent election to the Dental Council of India from the State of Madras, the actual expenditure amounted to Rs. 1,145. If we base our estimate on this figure, the cost of 7 elections in the Part B States may amount to Rs. 7,000 every five years.

4. The total estimated expenditure involved on account of the extension to all Part B States of the Dentists Act, 1948, will, therefore, be as follows:—

#### *Recurring*

- (i) Travelling Allowance of 7 members... Rs. 2,740 per annum from Part B States.

The expenditure will, however, amount to Rs. 5,480 or approximately Rs. 5,500 if the Council holds two meetings during a financial year.

- (ii) Expenditure on elections to the Council...Rs. 7,000 Every 5 years.

In this connection it may also be mentioned that after the Dentists Act, 1948 is extended to the Part B States, the income of the Dental Council of India will also increase as the Council is entitled, under section 53 of the Act, to 25 per cent. of the registration fees realised by the States Dental Councils during a year.

S. N. MUKERJEE,  
Secretary.